

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In re:
AARON D. COLEMAN, AND
AMY C. COLEMAN,
Debtors.

AARON D. COLEMAN, AND
AMY C. COLEMAN,

Movants,

v.

DITECH FINANCIAL LLC,

Respondent.

RONDA J. WINNECOUR, Chapter 13 Trustee.

Case No.: 11-27513-GLT

Chapter 13

Related to Dkt. Nos. 123 and 134

Hearing: November 22, 2017 at 11:00 a.m.

**MODIFIED
STIPULATED AND AGREED ORDER ON DEBTORS' SECOND MOTION FOR
SANCTIONS FOR VIOLATION OF THE DISCHARGE INJUNCTION AND COURT
ORDER**

Ditech Financial LLC, formerly known as Green Tree Servicing LLC (“Ditech” or “Respondent”), and Aaron D. Coleman and Amy C. Coleman (the “Debtors” and collectively, the “Parties”) file this *Stipulated and Agreed Order* resolving the *Debtors’ Second Motion for Sanctions for Violation of the Discharge Injunction and Court Order* [Doc. No. 123] (the “Motion”) filed on August 17, 2017. In support of the Stipulated and Agreed Order, the Parties represent the following:

1. On December 16, 2011, the Debtors filed a voluntary petition for relief under chapter 13 of title 11 of the United States Code, 11 U.S.C § 101 *et seq.*, in the United States Bankruptcy Court for the Western District of Pennsylvania (the “Bankruptcy Case”).

2. On March 27, 2012, Bank of America, N.A., filed a proof of claim in the Bankruptcy Case [Claim No. 10].
3. On May 27, 2014, EverBank filed a Notice of Transfer of Claim to Ditech [Doc. No. 57].
4. On August 17, 2017, the Debtors filed the instant Motion [Doc. No. 123].
5. The Parties reached a consensual resolution to the Motion, and the Debtors have agreed to withdraw the Motion, conditioned on payment by the Respondent to the Debtors of \$8,000.00, which includes attorney's fees. By making this payment as a good faith compromise and settlement to amicably resolve litigation, the Respondent does not admit to any wrongdoing.
6. Pursuant to the foregoing, the Parties STIPULATE AND AGREE THAT:
 - a. The Debtors' total payoff as of October 17, 2017 is \$64,276.64. The mortgage is current but Debtors are due for their October 1, 2017 payment.
 - b. Ditech is barred from adding any amounts not already owed, including but not limited to late fees, interest, legal fees, and costs, in connection with anything from prior to the date of this Order.
 - c. Ditech will pay \$8,000.00 to the order of Dai Rosenblum within thirty days of the Court's entry of this Order.
 - d. The Motion is withdrawn, subject to payment of the \$8,000.00; and
 - e. Ditech's response to the Motion and the hearing on the Motion is cancelled.
7. The hearing scheduled for November 22, 2017 is **CANCELLED**.

AGREED TO AND ACCEPTED BY:

Dated: October 19, 2017

<p>REED SMITH LLP</p> <p><u>/s/ Jared S. Roach</u> Jared S. Roach (PA ID No. 307541) Maura P. Nuno (PA ID No. 322880) Reed Smith Centre 225 Fifth Avenue, Suite 1200 Pittsburgh, PA 15222 Telephone: (412) 288-3131 Facsimile: (412) 288-3063 Email: jroach@reedsmith.com mnuno@reedsmith.com</p> <p><i>Counsel to Ditech Financial LLC</i></p>	<p><u>/s/Dai Rosenblum</u> Dai Rosenblum, Esq. PA ID 31802 Suite B, 254 New Castle Road Butler, PA 16001-2529 Telephone: (724) 283-2900 Facsimile: (724) 287-5302 Email: dailaw@earthlink.net</p> <p><i>Counsel to the Debtors</i></p>
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BY THE COURT:

Dated: October 23, 2017


GREGORY J. ADDONIO, JUDGE
UNITED STATES BANKRUPTCY COURT

Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Aaron D. Coleman
Amy C. Coleman
DebtorsCase No. 11-27513-GLT
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: aala
Form ID: pdf900Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Oct 25, 2017.

db/jdb +Aaron D. Coleman, Amy C. Coleman, 120 McFann Road, Valencia, PA 16059-1918

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 25, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on October 23, 2017 at the address(es) listed below:

Celine P. DerKrikorian on behalf of Creditor EverBank ecfmail@mw-c-law.com
 Dai Rosenblum on behalf of Debtor Aaron D. Coleman dunmyrem@zoominternet.net,
 dailaw@earthlink.net;dailaw2@earthlink.net;pjbz@zoominternet.net;jmp8618@gmail.com
 Dai Rosenblum on behalf of Joint Debtor Amy C. Coleman dunmyrem@zoominternet.net,
 dailaw@earthlink.net;dailaw2@earthlink.net;pjbz@zoominternet.net;jmp8618@gmail.com
 Daniel Mark Campbell on behalf of Creditor RBS Citizens dcampbell@hunton.com,
 sklein@hunton.com
 James Warmbrodt on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com
 Jared S. Roach on behalf of Creditor Ditech Financial LLC jroach@reedsmith.com,
 bankruptcy-2628@ecf.pacerpro.com;slucas@reedsmith.com
 Kevin T. McQuail on behalf of Creditor Bank of America, N.A. ecfmail@mw-c-law.com
 Marisa Myers Cohen on behalf of Creditor EverBank mcohen@mw-c-law.com
 Nicholas A. DiDomenico on behalf of Creditor First Commonwealth Bank, successor by merger to
 Great American Savings and Loan Association ndidomenico@lenderlaw.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 11